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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELIJAH BOBBY WILLIAMS,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

-----X
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

O R D E R

09 Civ. 2535 (NRB)
00 CR 1008 (NRB)

Movant, Elijah Bobby Williams, incarcerated in the United States Penitentiary Canaan following convictions in this Court, brings this motion *pro se* pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct the sentence imposed on him under docket No. 00 Cr. 1008. We direct movant to submit an amended motion within forty (40) days of the instant order as detailed below.

A motion under 28 U.S.C. § 2255 must conform to the Rules Governing Section 2255 Proceedings in the United States District Courts. Here, movant has failed to comply with Rule 2 of these Rules. Rule 2(b) requires a motion to specify all of the movant's grounds for relief, to state the facts supporting each ground and to state the relief requested. The Rule is designed to permit the Court and the respondent to comprehend both the movant's grounds for relief and the underlying facts and legal theory supporting each ground so that the issues presented in the motion may be adjudicated.

In the instant motion, movant fails to allege any facts to support his grounds for relief. Instead, he lists two grounds, "ineffective assistance of counsel" and "conviction obtained by unconstitutional conduct from prosecutor". Apart from suggesting that counsel "failed to prepare a defense" and "to object to erroneous sentence enhancements" and that the prosecutor engaged in "misconduct", the motion contains no explanation of what the movant is complaining about. Even mindful of our duty to construe *pro se* actions liberally, see Hughes v. Brown, 449 U.S. 9 (1980) (per curiam); Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (per curiam); Salahuddin v. Coughlin, 781 F.2d 24, 28-29 (2d Cir. 1986, it is clear that this motion fails to substantially comply with Rule 2 of the Rules Governing Section 2255 Proceedings in the United States District Courts. Therefore, we direct movant to file an amended motion in order to comply with Rule 2.


Should movant choose to amend his motion to vacate, set aside, or correct his federal sentence, he must set forth the facts supporting each of the specified grounds for relief. Further, the movant is hereby directed to file an amended motion containing the information specified above. Should movant decide to file an amended motion, it must be submitted to this Court's *Pro Se* Office within forty (40) days of the date of this order, be captioned as an "Amended Motion" and bear the same docket number as this order. All further proceedings shall be stayed for forty (40) days or

until movant has complied with this order. If movant fails to comply with this order within the time allowed, the motion will be denied.

We certify pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
April 17, 2009


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to:

Elijah Bobby Williams
#02152-748
USP Caanan
P.O. Box 300
Waymart, PA 18473-0800